

## REMARKS

Applicant respectfully requests reconsideration of this application as amended.

### Office Action Rejections Summary

Claims 1-15 and 17-20 have been rejected under 35 U.S.C. §112, first paragraph.

Claims 1-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,665,273 of Goguen (“Goguen”) in view of U.S. Patent No. 6,618,383 of Tomlins (“Tomlins”).

Claims 1-3, 6-8, 11-13, 16-18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Goguen in view of 1999 IEEE article of Awduche (“Awduche”).

### Status of Claims

Claims 1-15 and 17-20 are pending in the application. Claim 17 has been amended to be re-written in independent format including all the limitations of its original base claim 16. Claim 18 has been amended to more properly define a preexisting claim limitation. The amended claim is supported by the specification. No claims have been added. No new matter has been added. Claim 16 has been canceled.

The specification has been amended to correct minor matters of form. No new matter has been added.

### Claim Rejections

Claims 1-15 and 17-20 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully disagree and submit that the claims do comply with the enablement requirement.

The Office Action states:

The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Setting up a non-multiplexed link (later claimed as an ATM link) is not disclosed. It is the examiner's position that packet switched links such as ATM AAL2 and even PSTN links using T1 lines are in fact multiplexed. A non multiplexed link would imply a direct connection as in a piece of fiber/copper run between the source and destination. (see e.g., Tomlins/US 6,618,383: col. 5, lines 28-41).

(Office Action, 10/13/04, p. 2)

Applicant respectfully disagrees with the Office Action's assertions with respect to a non-multiplexed connection. It is respectfully submitted that multiplexed and non-multiplexed connections are described in the specification in such a way as to enable one skilled in the art to which it pertains to make and use what is recited in the claims. In particular, the specification in paragraph 0015 and 0017 states that each channel 140, 150 may carry thousands of connections or calls and the cells 160 are multiplexed over channels 140 and 145. In addition, the specification also describes a particular type of multiplexed connection being an AAL2 connection. The specification at paragraph 0017 states that cells 160 may be Q.AAL2 cells and, in paragraph 004 states:

In AAL2, another layer of stream identification known as the Channel Identifier (CID) was introduced and a format devised to allow the packing of multiple voice streams sharing a common destination into a single ATM connection . . .

AAL2 provides for the setup of ATM AAL2 connections that are configured to support up to 255 voice channels carried within or can be restricted to just one voice channel carried within. AAL2 connections can be configured as permanent virtual circuits by the operator or they can also be set up on demand as switched virtual circuits using the ATM networking layer. Given that AAL2 implements a voice network on top of an ATM network infra-structure using an overlay technique, it is natural to expect that the configuration of multiplexed connections between any two voice switching nodes involves some network engineering analysis by the operator.

As such, it is submitted that one of ordinary skill in the art would understand that a multiplexed connection is one in which cells of different data transmissions or flows are transmitted over a common connection. A non-multiplexed connection is one that carries

the cells of only a single data transmission at a time. An AAL2 multiplexed connection is one in which multiple, different data cells (e.g., for voice or video calls) are carried together or multiplexed on to a single ATM connection.

Therefore, it is submitted that subject matter of claims 1-15 and 17-20 are described in the specification to enable one skilled in the art to which it pertains to make and use the same.

Claims 1-20 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Goguen in view of Tomlins. It is submitted that claims 1, 6, 11 and 17 are patentable over the cited references. Each of claims 1, 6, 11 and 17 include the limitations of checking a multiplexed connection's bandwidth capacity to carry a call and overflowing the call onto a non-multiplexed connection when the multiplexing connection's bandwidth is insufficient to carry the call.

Goguen describes a traffic engineering system that **adjusts the bandwidth of a connection** to reflect an actual traffic flow when that connection's bandwidth is insufficient to carry the call. (Goguen, abstract). In contrast, each of claims 1, 6, 11 and 17 include the limitation of **overflowing a call to another connection** (i.e., the non-multiplexed connection) when a connection's bandwidth is insufficient to carry the call. Nothing in Goguen, either alone or in combination with Tomlins teaches or suggests the above noted claims' limitation. Therefore, claims 1, 6, 11 and 17 are patentable over the cited references.

Given that claims 2-5, 7-10, 12-15 and 18-20 depend from a respective one of the independent claims 1, 6, 11 and 17, it is submitted that claims 2-5, 7-10, 12-15 and 18-20 are also patentable over the cited references.



Claims 1-3, 6-8, 11-13, 16-18 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Goguen in view of Awduche. Awduche fails to cure the deficiency noted above with respect to Goguen. Therefore, it is submitted that 1-3, 6-8, 11-13, 17-18 are patent over the cited references.

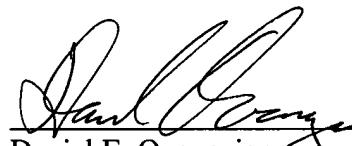
In conclusion, applicant respectfully submits that in view of the arguments set forth herein, the applicable rejections have been overcome.

If the Examiner believes a telephone interview would expedite the prosecution of this application, the Examiner is invited to contact Daniel Ovanezian at (408) 720-8300.

If there are any additional charges, please charge our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

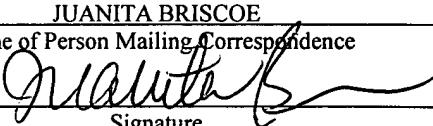
  
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